G. R. S. IX-5]

Previous references.

1888

191

(Courts)

File No. 2 of 1888

Serial Nos. 1 - 5

Later references.

16 - 32

1 / 246

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for

SUBJECT.

Modification of the "Rule of practice No 61."
re. the Sending of Criminal Records to Heads of Department

W D 88—GPB—50,000—24.7.16

Index

to move the Chief-
Cl (for the service
of a Lease or Sentence,
he would of Course
obtain the Cert. of Cause the
issue of the necessary
instructions to the Cl.

(otherwise The
P.O. Dept. would
a Separate Judge)

Procedure —

Again in regard to
the manner of Calling
for Record, I cannot find
no provision in the Criminal
Procedure Act 35
of the Criminal Proc. Code.
Specifies the Authorities
who are to "call for &
by summons a Record —
General Dept. heads — & for
that matter magistrates — are
often under the necessity of
of obtaining Records

for purposes of reference.
Such requisitions are generally
complied with & therefore
no practical inconvenience
has hitherto been experienced
under such Circs. I
beg to enquire how these
general & specific Allegations
are proposed to be dealt
some definite ruling.
~~It~~ As to matters which
the Inspr Genl may learning
the Nature of the charges brought
such a party ~~may~~ have it
in his object the Inspection
of ~~it~~ ~~such~~ ~~Inspection~~
~~of the~~ of the Civil Justice

PROCEEDINGS OF THE CHIEF COURT OF MYSORE.

No. $\frac{1661\text{-}71}{26}$, *dated Bangalore, 11th April* 1893.

READ THE FOLLOWING LETTER No.—652 dated 2nd December 1892 from District Magistrate, Bangalore.

In a certain case I asked the Assistant Government Advocate to move the Chief Court to revise the order of the Sessions Judge, discharging the accused, whereupon the Assistant Government Advocate wrote to me to send him the records of the case. I thought, as I stood in the position of a party in reference to that case, it would not be proper to place the records into the hands of my Advocate and therefore wrote back to the Advocate to let me know what documents he required so that I might send him copies. His answer shows that it is the practice in this Province to send Records to the Advocate, I have therefore sent the Records, to him. I take this opportunity, however, of requesting you to obtain the orders of the Chief Court on the subject for my future guidance.

ORDER THEREON.—The practice of sending Records in original to the Assistant Government Advocate is objectionable and should be put a stop to. Copies of such papers as may be required will be furnished to the Assistant Government Advocate on proper application being made by him and on payment of the transcription fees.

"By Order,"

J. CLAPHAM,
Ag. Registrar.

Central Jail Press, Bangalore.—5-5-93.—302.

(10)

Dear Sir

A reference on the same subject was received 2 or 3 days ago from the Dist. Magte Kadur & I also sent Submitted it to the chief secretary from the Dist. Magte, letter, & offices made a recent circular of the Chief Court, only Copies of records could be sent

to assist for advocate
but as it would take long
time & cost a large sum
to make copies of record
in fr. to Sd. Inspr applies
if I remember correctly &
direct the Sessions Judge &
transmit the record in fr.
in original to the Asst to
Govt advocate as a Special
Case.

What orders have been passed
in to reference by the Chief Se
-cretary. I do not know, &
possibly, if you were further
to the Sessions Judge to send
forward direct to the Asst to
Jail adv:, & may clash
with those the Collector
See Ltr. Either has already issued
or may hereafter issue. It
seems best therefore to send

up above by Monsoon
morning train to Jos
letter to the chief Secretary
& request him to pass such
orders as he may think fit
to pass. If you think otherwise
& can depend to send to
record the sent above in
original to the Resident Jos
Jos who have to serve to the
Senior Judge Nigeria
Hon Jos letter herewith returned

Yours
Sd D Buchanan Lt Col
17-6-93.

To
Mr. Harcourt Resident Jos
Resident Secretary

(16) Bangalore

20 June/24

My dear Ferl

with my letter No 4320/154 of 13th March last, was sent for the approval of Govt a draft Code of Practice regulating the procedure to be observed when original criminal Records are called for by Govt or the Govt Depts. There is now sent herewith Copy of the [redacted]

8/ Practice Submitted with the
letter referred to was a correct
copy or not & to remain to
doubt. I beg to send you
another copy herewith & request
that it may be substituted for
the one which accompanied
my letter above alluded to
I understand that the
file is now with the Secretary
Barbados pending orders

22

IN THE CHIEF COURT OF MYSORE.

Criminal Side.

Rule of Practice No. 61, *dated* 16*th March* 1895.

Under section 553 of the Code of Criminal Procedure and with the sanction of Government, the Chief Court has framed the following Rules, regulating the procedure to be observed, when requisitions for records of Criminal cases are made by Government or other Heads of Departments and prescribing Rules for inspection of records by officers of the Police Department.

I. Whenever Government desires to peruse the record of any Criminal trial, a requisition for it signed by the Chief Secretary or other officer authorized by Government to make a requisition, will be sent to the Sessions Judge or to the District Magistrate, according as the trial is in the Sessions Court or before a Magistrate. On the receipt of such a requisition, the Sessions Judge or the District Magistrate shall duly forward the record in accordance with such requisition.

II. Except as directed above, no Criminal Court shall send its records to any Court or any officer or any Department of Government, unless the requisition is made under the authority of any rule or law for the time being in force.

III. When a prosecution is instituted before a Criminal Court by any Department of Government, or when an officer of Government is an accused person, a copy of the final order or judgment shall be sent free of cost to the Head of the Department which instituted the prosecution or to whom the accused officer was subordinate.

IV. If the Head of the Department wishes to obtain a copy of the entire record (other than the copy of the final order or judgment furnished free of charge under the preceding para), he shall make an application to the presiding Judge or Magistrate and send any Officer or Clerk of his Department to make copies. The Officer or Clerk deputed for the purpose shall be deemed to be a licensed copyist and he shall be permitted to make a copy in the precincts of the Court-house and under the supervision of the Head Ministerial Officer of the Court.

V. Whenever it shall appear to any Officer of Police, not below the rank of Inspector of Police, that an inspection of the records of any Criminal trial or appeal will facilitate the detection or prevention of crime or is desired for examination of the conduct of Police officers connected with the case, such Officer may apply to the Sessions Judge or presiding Magistrate of the Court in which the records are lodged for permission to inspect the same.

VI. The application referred to in the preceding rule shall be made in writing and shall contain a description of the records and shall state the purpose for which the inspection is sought, and the Sessions Judge or Magistrate may grant or refuse the application as he may see fit. If the application is refused, the Sessions Judge or Magistrate shall record the reasons for refusal and shall communicate a copy thereof to the Officer of Police concerned. If the application is granted, the Sessions Judge or Magistrate shall make arrangements for permitting the inspection to be conducted in accordance with the next following rule.

VII. Every inspection of records under these rules shall be conducted by an Officer of Police not below the rank of Inspector of Police, it shall take place within the precincts of the Court in which the records are lodged and in the presence of an Officer of the Court who shall be deputed by the Sessions Judge or Magistrate for the purpose and no record or part of a record shall be removed by the inspecting officer from the precincts of the Court.

By order,

V. A. Rajaratna Mudaliar,
Deputy Registrar, doing duty as Registrar.

1
C 48

ial No. 30)

37/7
410

1888.

From

To

Dated 18 August 1888

Despatched

Received

Enclosures No.

General No. 2249

No. 2519

Submitting for orders
copies & certain correspon-
dence relating to two cases
of knowingly passing counter-
feit coins as genuine.

23/8/88

1888

(1)

From

The Inspector General of Police
in Mysore.

To

The Chief Secretary to the Dewan
of Mysore.

No. 1192/259 Dated Bangalore 13 August 1888.
Enc: 5

Sir,

I have the honor to submit for the information and orders of Government Copies of the marginally noted correspondence relating to two cases of knowingly passing Counterfeit Coins as genuine. The Magistrates Concerned Convicted the accused in these cases but passed such extremely lenient Sentences as Could scarcely be expected to have a deterrent influence, on the Criminal classes who are habitually guilty of this grave description of Crime. My attention was called to these cases the other day and I asked the District Magistrate of Shimoga, in the first instance, what action he had taken on them. The District Magistrate said that these cases escaped his attention and

suggested

This Office No. 303/14 of 4th May 88 to the Dy. Comr. Shimoga.
" " 341/15 " " from do —— do ——
" " 695/111 8/12 " " from do —— do ——
" " 5234/2811 8/12 " July " from do —— to this Office
" " 1787/1286 8/14 " 1887 from do

Suggested that, as he Co[redacted]ot at that distance of time take judicial notice of the same, I should move the Chief Court to Censure the magistrates. I accordingly addressed the Chief Court, Copy of whose reply is among the papers herewith submitted.

2. The Chief Court observe that "the Inspector "General of Police is not Competent to call for records "from Magistrates Courts and refer them to this Court "for revision as if he was a District Magistrate or "Sessions Judge". I beg to submit that there has been a misapprehension as to the nature of my refe=rence. It was not certainly my object to refer these cases for the revision of the Chief Court. I distinctly stated that it was not my aim to move the Chief Court to take judicial notice of the Sentences, but that the attention of the Magistrates should be called to the injudicious nature of the Sentences.

3. The administration of Criminal justice is inti=mately and inseparably associated with the Police administration and the sympathy or antipathy and the capability or incapacity of the Magistracy sen=sibly affects not only my Department but the interests of public justice and the welfare of the Community at large. The functions of the Chief Court are not merely judicial. The Chief Court as the head of the judicial Department presides over and supervises the

the work of its Subordinates. I thought therefore that in its administrative capacity, the Chief Court would welcome information, from whatever quarter it might emanate, tending to the rectification of short-comings which if unnoticed might be persevered in with its consequential effects upon all concerned.

4. I may be permitted to cite a few instances which it was my duty to have brought to the notice of the Chief Court. The case of very serious rioting at Saute Marahu in the Chamraj Nugar Taluk, Mysore, was needlessly prolonged for months. Of all Criminal Offences, that of serious rioting has to be put down most promptly and rigorously by early punishment of the offenders. I had to bring this case of gross delay to the notice of the Chief Court, who apparently had no means of detecting it themselves. Their reply I enclose for perusal. It came to my notice that Magistrates had fallen into the habit of adjourning cases to distant dates though the cases were produced before them in a complete form with all the witnesses and parties. Such long adjournments are fatal to Criminal Justice. They deter parties from coming forward to give information or evidence. It will be seen that except in serious cases before the Court of Sessions, witnesses get nothing from Government while their silence or abstention from giving information would

be

be amply paid for by interested parties. In these circumstances long adjournments of cases of which certain instances came to my notice, are a serious draw-back. The Chief Court directed me to refer these matters to the very District Magistrates who had failed to exercise a wholesome control over their subordinates. In a third instance, which being somewhat of a delicate nature, I state with some reluctance, the Sessions Judge of Nagar acquitted a man of murder on his plea that the concubine he murdered had intimated in a moment of despair that she would prefer being killed by him to disgrace. It appeared to me that the law enunciated by the Sessions in this case was bad and misleading to the Police. The Chief Judge before whom I placed this case, sent for the records and the Chief Court completely differed from the Sessions Judge and corrected the law. Lastly, there was a serious case of fabricating false evidence by a man named Gowlareddy in the Gudibanda Range Kolar District. The man exhumed the body of another who had died naturally and after cutting off the head, threw the body into the hay stack of one Paupiah his mortal foe with a view to bring him to trouble. On the body being found the Police after considerable trouble and time succeeded in unravelling the mystery +

Gorlareddy was placed before the magistrate at Kolar who, as subsequent events have shown, threw out the case unreasonably. I had therefore to move the District magistrate to order a retrial. The case ultimately went to the Chief Court and ended in the conviction of the accused who was sentenced to 5 years rigorous imprisonment. The case is in appeal; but that there was conviction by a judge of the Chief Court clearly proves that the magistrates order of discharge was improper.

Offence admitted!

4. I state these instances only to prove that the irregularities or mistakes of the magistracy if not suitably noticed most seriously hamper Police administration. As Inspector General of Police I am bound to do my utmost to secure efficiency in all matters that relate to my department and if it is not competent for me to move the Chief Court in such cases as those under reference I beg to be informed whether I am not at liberty to bring them directly to the notice of Government. ———

I have the honor to be
Sir
Your most obedient Servant

Inspector General
of Police

GM.

No. 3234
2811

Bangalore 12th July 1888.

(a)

From

The Registrar of the Chief Court
of Mysore.

To

The Inspector General
of Police.

Sir,

In reply to your letter No. 695/111 dated the 21st Ultimo, forwarding for information the records in the Criminal Cases noted on the margin, and pointing out the inadequacy of the sentences passed on the accused persons therein, I am directed to state that Considering the long interval that has elapsed since the accused persons were convicted, the judges are not prepared to take any notice of the sentences passed in these cases. I am, at the same time, directed to observe, that, in the opinion of the judges, the Inspector General of Police is not competent to call for records from Magistrates Courts and refer them to this Court for revision as if he was a District Magistrate or Sessions judge. There appears to be no authority or precedent for such a procedure, and the Judges Consider it inexpedient, that a power Specially vested in District Magistrates and Sessions Judges should be exercised, either directly or indirectly by any other officer

Criminal Case No. 30 of 1887 on the file of the Court of the Assistant Commissioner, Lake Range with Magisterial powers of Arsikere

Criminal Case No. 9 of 1887 on the file of the Munsiff Magistrate of Sagar.

2. The record received with your letter under reply are herewith returned.—

Thanking you

/Signed/ S. Anantasami Row.

Registrar

"Copy"

Inspector General of Police

the Government advocate to move the Chief Court to revise the Sentences judicially. — (16) But I may be permitted to submit it is a fit case for the Chief Court in its administrative capacity in controlling the Subordinate Courts to call the attention of the Magistrates Concerned to the injudicious nature of the Sentences. I need hardly submit that such extremely lenient punishments have a demoralising tendency on the Criminal Classes and are particularly disheartening to the Police whose duty it is to bring them to Justice. —

I have &c

/Signed/ L. Ricketts

Inspector General
of Police

"Copy"

L Ricketts

Inspector General
of Police

(General Serial No. 29.)

1888

From

The Inspector General of Police
in Mysore.

To

The ~~Deputy Commissioner~~, Registrar of the Chief Court of Mysore.

Dated 21st
Despatched do } June 1888
Received

Enclosures No. 2 files of records

General No. 695 } 188 —8
No. 111

Sir,

I have the honor to submit for the information of the Judges, Magisterial proceedings in two — Criminal Cases of uttering Counterfeit Coin as genuine which occurred in the Shimoga District in 1887, and to invite attention to the extremely lenient Sentences passed on the Offenders. My attention was drawn to this matter by an accident the other day and as months have elapsed since the Sentences were passed, I have not thought it advisable to take Steps to instruct

the

lapse of more than a year from the date of sentence. (1/C)

2. The Chief Court may be moved to censure the Magistrates concerned for awarding such light punishments.—

Thanjavur
(Signed) V. P. Madhava Rao
Deputy Commissioner

"Copy"

S Mukerji
Inspector General
of Police

(General Serial No. 31)

1888

From The Deputy Commissioner
Shimoga District.

To The Inspector General of Police
in Mysore.

Dated 15th
Despatched } May 1888.
Received

Enclosures No. 2 Records.

General No. 3341
No.

Sir,

In retransmitting the records received with your docket No. 303/14 of the 4th instant, I have the honor to state that the Calendars in these two cases appear to have been received with the Canarese Appeal and sent up to the Sessions Court without any remark from me. I quite agree that the punishments awarded are extremely lenient, but I do not anticipate any good from moving the Chief Court to enhance the punishments after a lapse

(General Serial No. 29.)

1888.

From

The Inspector General of Police
in Mysore.

To

The Deputy Commissioner,
Shimoga

Dated 4
Despatched 4 May 1888
Received

Enclosures No.

General No. 363 / *No.* 14 | 188 —8 .

His No. 163. dated the 19th Instant
Submitting Magisterial proceedings
in two Criminal Cases.

In returning the proceedings receiv
with the above has the honor to invite
his attention to the extremely lenient
Sentences passed in the Cases and
to request to be informed whether he
had taken any notice of the same, and
if not what action he would now
propose should be taken in the matte
Requests the records may be retur
=mitted with his reply.—

/ Signed / L. Ricketts
I.G. of Police

"Copy"

L Ricketts

Inspector General
of Police

(1/2)

No. 1787/1286 Bangalore 1st April 1887.

From

The Registrar of the
Chief Court of Mysore.

To

The Inspector General
of Police.

Sir.

With reference to your No. 2025/327 dated the 21st Ultimo, bringing to the notice of this Court, an instance of delay on the part of a Magistrate, in the disposal of a case of rioting at Santhamarahally, I am directed to state that — there has been a most serious and improper delay in the disposal of this Case, but the Assistant Commissioner, who disposed of the case, — does not appear to have been answerable for the delay. It is deemed unnecessary to call on the present acting District Magistrate for an —

Explanation

Explanation. If Mr. Abdul Khader had lived, he would have been asked to furnish a full explanation.

The Inspector General of Police, it is hoped will in future address the District Magistrates on these and similar points.—

I have &c.

[Signed] Anantasami Row

Registrar.

"Copy"

Inspector General of Police

1/C-45

Prot.

1888-9

60 writs
1-88-7

2

The Offg Chief Justice
in Mysore

Dated 13th Sept/88

Camp No 1049 Dated 13th Sept 1888.

To the Hon'ble Offg Chief Justice
& Judges of the Supreme Court
Bangalore

Sir,

I have the honor to forward herewith
the following papers in connection with
the case of Venkatarama Iyengar
Petitioner vs Narasimha Iyengar
Respondent, viz.,

1. Petition with Vakalat
2. Affidavit
3. Order of Court
4. Memorandum of Appeal
5. Order of Court
6. Bond
7. Order of Court
8. Order of Court
9. Order of Court
10. Order of Court
11. Order of Court
12. Order of Court
13. Order of Court
14. Order of Court
15. Order of Court
16. Order of Court
17. Order of Court
18. Order of Court
19. Order of Court
20. Order of Court

I have the honor to be,
Sir,
Your most obedient servant,

Camp No 1049 dated 13 Sept 14 1888.

2

To. The Offg. Chief Judge in Mysore

Sir,

I have the honor to forward herewith for your information copy of a letter No. 1192/259 dated 13th ultimo received from the Inspector General of Police -

CR 72

2. The question raised by Mr. Ricketts seems principally to be whether he has the power to bring to the notice of the Chief Court any facts affecting ~~prejudicially~~ the administration of Criminal justice He doubtless recognises that references for revision of Criminal sentences should ordinarily Emanate from the District Magistrate or Sessions Judge, and

if he wishes to move the Chief Court (otherwise than through the District Magistrate or Sessions Judge) for the revision of any case or sentence, he would of course obtain the orders of Government and cause the issue of the necessary instructions to the Govt. advocate. But it is easy to —

3. Again, in regard to the power of calling for records, I can find no provision in the Criminal Procedure Code, as Section 435 specifies the authorities who are to "call for and examine a record". Several Departmental heads — and for that matter, myself — are often under the necessity of obtaining records for purposes of reference. Such requisitions

Conceive of many instances in which he may desire to bring to the notice of the Chief Court administrative questions affecting the ends of criminal justice, and the Government feel sure that it is not the intention of the Chief Court to shut out so important a channel of information. Whether the facts thus brought to notice are deserving of judicial or merely administrative notice, is a question which, of course would always be for the Judge to decide, for it is competent for him, under Section 439 to pass judicial orders upon a proceeding which comes to their knowledge in any way whatsoever. I do not mean to say that the Head of the Police has authority to issue to the Magistracy any communications pointing out errors and defects, but it should always be competent for him to compel such errors and defects to be brought to the notice of the Subordinate Magistracy thro' the District Magistrate where the Subordinate Magistrate or Sessions Judge is concerned. Either to the Chief Court or to the Govt. when any Magistrate or Sessions Judge is concerned.

are generally complied with as a matter of official courtesy, and therefore no practical inconvenience has hitherto been experienced - I believe

that it is not the intention of the Chief Court to prohibit this practice, though para 1 of your Registrar's letter to Mr. Ricketts, No. 3234/284 dated 12th July 1888, might be construed as implying a different intention.

4. Under such circumstances, I beg to enquire whether yourself and your Colleagues are prepared to lay down some definite ruling as to matters which the Inspector General of Police may bring to the notice of the Chief Court. Such a rule, having for its object the promotion of the efficiency of Criminal justice, would perhaps fall under clause (e), Section 20, of the Mysore Chief Court Regulation, 1884. In order to enable the Inspector General of Police to discharge efficiently the duties of his office, it would of course be necessary

At any rate, it is a matter which would come under the Chief Court's general powers of control and supervision -

Thanks

Dewan

17/9/88

that Criminal Courts should comply with his requisitions for Criminal Records.

Shaver

Dewan

(General Serial No. 29.) 6763

1888.

From The Chief Judge of Mysore.

To

The ~~Secretary to the~~ Dewan ~~to His Highness~~ the Maha Raja of Mysore.

Dated 28/1 December 1888.

Despatched

Received

Enclosures No.

General No. 5918 } 188 —8.
No. 707

In reply to his letter No 1619 of 13th September last stating that he & his colleagues will at all times happily receive from the Inspector General of Police any valuable information which it may be in his power to communicate.

Draft for approval

Send to Insp. Genl for information & guidance
Corre between Chief Judge & myself ending with this letter, and say that all Criminal Courts are expected ~~to Comply~~, as Courts & a matter of Official Duty — & if not of legal Obligation — to Comply with requisitions for records from the Insp. Genl of Police & other Heads of Depts.

Copy of the Order to Dt Magts & S. Judges. H. 28/1/89

No 5918
106...

Bangalore 10th December 1888.

(3)

From.

C. G. Plumer Esquire
Chief Judge of Mysore.

To.

R. Sheshadri Iyer Esquire, C.S.I.
Dewan of Mysore.

Sir.

In reply to your letter No. 10249 of the 13th September last, I have the honor to state that I and my Colleagues shall be at all times happy to receive, from the Inspr General of Police, any valuable information which it may be in his power to communicate to us, and which may assist us in the legitimate discharge of our duties, especially, as we feel sure, that the multifarious and onerous duties particularly appertaining to the several important posts held by the Inspector General must so fully occupy his time, that he will only address us when he feels absolutely bound to do so.

I

and my Colleagues are not prepared to lay down any definite Ruling as suggested in the last Para of your letter. We prefer to leave it to the discretion of the Inspector General as to matters which he may bring to our notice, and to leave ourselves unfettered to deal with each Communication, when it comes before us, as we think best.

I have the Honor to be,

Sir,

Your Most obt Servant,

Chief Judge

ZBH.

(4)

SUBJECT: Vol Courts
No. 1-88
SUB NO. 4

Rs: 6114/51

Chief Judge

In acknowledging & with thanks the receipt of yr. letter No. 5918/106 of 10th. instant, I have the honor to request the favor of a reply to para 3 of my letter No. 1049 of 13th Sept 1858, regarding the transmission of Crim! records to Officers of Govt. for purposes of reference.

I have the honor to be,
Sir,
Your most obedient servant,

Inspr Genl of Police

21/12

1888-9

To Chief Judge Bangalore

Dated 22nd December 88

No. 1147

From the Commissioner of Police Bangalore

Letter I. Cl: of Police Circular Lr:

No. 7637-89

7635-47

11-1-89.

(General Serial No. 29.)

7622

1889. 81.

From The Chief Judge of Mysore

To The Secretary to the Dewan & His Highness the Maha Raja of Mysore.

Dated 15th January 1889

Despatched

Received

Enclosures No.

General No. 89 188 —8.

No. 14

Letter from Registrar of Chief Court Mysore, states that it was not the intention of Govt. to prohibit Heads of Departments from calling for Records.

Circular

M 89
4.

Bangalore 11th January 1889

(5)

From

C. G. Plumer Esquire
Chief Judge of Mysore

To,

K. Seshadri Iyer Esqre. B.A.L.
Dewan of Mysore

Sir,

I have the honor to acknowledge receipt of your letter No. 6114/51 of the 21st Ultimo, and to state that it was not the intention of the Court to prohibit Heads of Departments from calling for Records - It is within the discretion of the Presiding Officer of a Criminal or Civil Court, when records are called for from his Court otherwise than under the provisions of Section 435, Criminal Procedure Code, to comply with

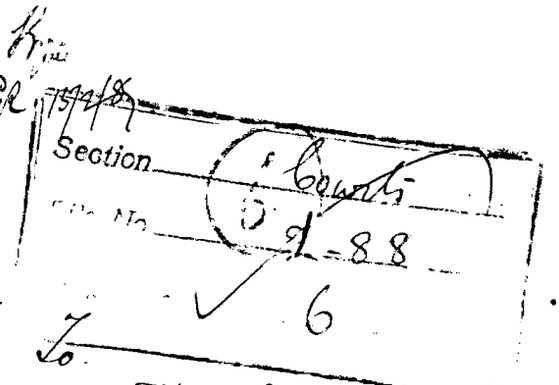
or

or refuse the request.

I have the honor to be,
Sir,
Your Most Obdt. Servant,

Chief Judge

101.



To

The Inspector General
of Police.
in Mysore

7637
735
8 Feb 1889

Sir,

With reference to your letter No 1192/259 dy 13th Augt 1888, on the Subject of ~~the~~ the competency of the Insp. Genl. of Police to call for records from Magistrates Courts, I am desired to forward herewith for your information and guidance copy of correspondance noted in the margin between the Dewan and the Chief Judge, and to say that in the Opinion of the Govt all Criminal Courts are expected, as a matter of official courtesy and duty - if not, of legal obligation, to comply with requisition

X 1 Letter from the Dewan to the Chf Judge No 1049 dy 13th Sept 1888.

2 Letter from the Chf. Judge to the Dewan, No 5918/106 dy 10th Dec. 1888.

3 Letter from Dewan to Chief Judge 6114 No 5184 11 Dec 1888

4 Letter from the Chf Judge No 83 S/L 11 January 1889

(General Serial No. 31)

188

for records from the Inspector General of Police and other Heads of Departments —

From

Chief Secy

To

Hds of Dept of Police
8 District Magistrates
Sessions Judges, Mysore & Kodagu

Dated 8 Feby 1889

Despatched

Received 8/2/89

Enclosures No. one book each

General No. 7637-47 — 7638-47

No. 735 Cir 206

Copy to the Mags & Sessions Judges for info —

8/2/89

From the Excise Comr in Mysore
No. 4268/16 4. 95
408

(General Serial No. 30.)

OFFICE OF TH...
14604
1893 12 JUN. 92

From
Section
File No
Serial No
To

1273.

The Sessions Magistrate of Kadur (8)

The Chief Secretary to the Dewan of Mysore.

Dated 5th June 1893

Despatched Camp Yedahalli 8th June 93

Received

Enclosures No. One

General No. 650 } 1892-93
Camp No. }

Requesting orders being issued to Sessions Judge Nagardi-visions to forward in original the entire Criminal Proceedings in the Nemmar murder Case, to the Government Advocate, to enable him to express his opinion in preferring an appeal against the order of acquittal and Suggesting that Mr. Sundaram Iyer be deputed to go to Bangalore to instruct the Government advocate for reasons given. —

Recd 12-6-93
Jud. Branch

Submitted for orders.

The order of the chief Court that Copies alone should be furnished to First advocate may cause inconvenience, as in the present Case. Whence are transcription fees to be met-? There will be no

~~Under Rule No 36 of 24 June 07,~~
~~Copies of papers furnished to accused~~
~~for the purpose of persons applying~~
~~for them are~~

necessity for paying any fees, if a clerk of the Dy. commr's office can be deputed for the copying work. Should the First advocate be treated in the same manner as his assts or can the original records be sent to him? The rule laid down by the chief court does not expressly apply to the First advocate, to whom the Dy. Comr. requests that the records may in the present instance be sent.

13.6.93

(8)

No 650
Enc: 1

District Magistrate's office
Kadwe, Dated 5th June 93

From
The District Magistrate
Kadwe

To
The Chief Secretary
to the Dewan of Mysore

Sir,

I have the honor to forward herewith Copy of letter No 83 Dated 1st Instant, from the Assistant Government Advocate, requesting that Copies of records in the Nemmar Murder Case (Kadwe Sessions No 1 of 1893, Nagar Division) - Government ~~to~~ Ramanna and others - may be furnished to him to enable the Government Advocate to express his opinion in the matter of

of preferring an appeal
against the order of acquittal
passed by the Additional
Sessions Judge in the Case.

The records being voluminous I would beg that orders may be issued to the Sessions Judge of Sagar in whose possession the records are at present to forward them in original to the Government Advocate for perusal as the work of Copying will entail extra Cost and Cause great inconvenience and needless delay.

Looking to the intricate nature of the Case and the large mass of Exhibits ~~you~~ filed, I would suggest

that the Government will be pleased to direct the Public Prosecutor, Dwr. Sundram Iyer, who has conducted the case both before the Committing Magistrate and before the Sessions Court, to instruct the Government Advocate in the Case.

I have the honor to be
Sir
Your Most Obedt Servant

H H Parker
District Magistrate
Kadur

Am J.

(8a)

From
The Assistant Government
Advocate in Mysore

To The District Magistrate
Kadur

Dated 1st June 1893.

No 83

Sir,

I have the honor to state that the records referred to in your letter No 1506 dated 8th ultimo has not been received in this office from the Sessions Judge of Nagar.

Under the printed No: Cercuit of the Chief Court No 1661-71 dated 11th April/93 I beleive a copy of which must have been received by you, I have to request you

you to furnish me with the copies of the whole of the record to enable the Government Advocate to express his opinion in the matter. The usual practice was to express the opinion on perusal of the original records received from the Officers Concerned.

As the records, I believe, are voluminous. I suggest that the Government may be moved to order the original records to be sent to this office.

I have &c.

Signed / S. Ramaswamy Iyer.
Apte Govt. Advocate

"Copy"

H.H. Parker
District Magde
Madura.

Ind

URGENT.

189 3.

(2)
(9)

Section From Cowie

No 1-85

The Inspector General of Police in Mysore.

Serial No To 8

The Chief Secretary to the Government of Mysor

Dated 17 6 3

Despatched

Received June 1893

General No. 3792/451

Enclosure.

SUBJECT.

Requesting that the sessions record in the Nemane murder case may be directed to be sent to the Assistant Government Advocat as early as possible.

Rec'd 8 P.M. 17-6-93. Saturday.

Submitted to Chief Secretary with M. Subbaraya Iyer's letter for favor of a telegram being sent to the Sessions Judge of Shimoga direct from myself

M.N.

Mysore Govt. C.Press, Bangalore.—27-8-92—500.

Telegram sent to Dr Stephens Judge requesting that the Record in the Nemane murder case may be forwarded addressed Dr Stephens

On receipt of the Record the Undersecy will send the Telegram & the Supdt of Police Records -

Record letter

Chief Secy

17/6

No. 3792/4.51

OFFICE OF THE INSPECTOR GENERAL OF POLICE IN MYSORE.

Dated, Bangalore 17th June 1893

Enclosure.

From

The Inspector General of Police
in Mysore,

To

The Chief Secretary to the
Government of Mysore

SIR,

I have the honor to request that you will be so good as to direct the Sessions record in the Nemaur murde case, to be sent on to the Assistant Gove -ment Advocate at as early a date as possible, so as to enable that officer dispose of a reference made by the District Magistrate of Kadur recomme -ing an appeal being instituted agai the order of acquittal in the said cas The above reference has been pendi with the Assistant Government Advo for some time and he has applied more than once for the records of th Sessions court through the proper channel, but they have not yet bee received. I fail to see why there sh be so much delay in complying w

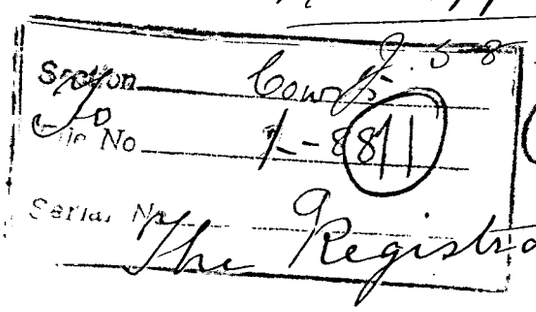
such a simple requisition. More than 3 months have elapsed since the order of acquittal was passed and as the time fixed for appeal is drawing near and the record to be gone through is voluminous, I beg that urgent orders may be sent by wire directing immediate compliance with the requisition of the Assistant Government Advocate. I understand that the District Magistrate, Kadur, has also addressed your office regarding this matter.

As delays like this are apt to cause considerable inconvenience, I would suggest that a circular order may be issued directing prompt compliance with requisitions of the kind under notice.

I have the honor to be
Sir
Your most obedient servant

M Madhava Rao
Inspector General
of Police

No 879



The Registrar of
the Chief Court of
Mysore -

Dated 14 July 93

Sir

I am forwarding here-
-with for the informa-
-tion of the Judges of
the Chief Court copies
of correspondence cited
in the margin, I am
directed to say that the
Govt will be glad if the
Chief Court will re-con-
-sider the order contained
in their Proceedings No:
1661-71/26 dated 11th April
last regarding the
transmission

Letter No: 83 dated 1st June 93 from the Asst Supt Kadur to the Asst Supt Tarikere
No — 650 - 5th — do — " " the Asst Supt Kadur to the Chief Secretary
No 3792/451 - 7th — do — " " the Inspector of Police do — do

transmission of Records to the Assistant Govt: advocate.

2 The letter of the District Magte of Banga: :lore on which the order has been based is evid: :ently based upon a complete misapprehen: :sion of the situation.

3 In order to exercise the function of moving the Chief Court in ap: :peal or revision of an order of a subordinate tribunal, the District Magte and the Govt must call for the Record of a case; and the Apptte Govt advocate who is the adviser of Govt and its officers, must have access to it. It may not

not be out of place to refer here to circular No: 1 of 12th January 1877 issued by the Calcutta High Court, wherein it has been laid down that it is obligatory on the part of Sessions Judges to comply with requisitions for original records, when they are required to enable the Govt to decide whether an appeal by it should be preferred or not, and there is much in the circular to recommend it for adoption on the ground of convenience

4 In the particular case, which formed the occasion for the reference from the District Magte of Bangalore, the Assistt

Govt

noted in Prinsep's Commentaries on the Criminal Proc. Code under Secs 373 & 417.

Govt advocates requisi-
tion for the record was
virtually a requisition of
the Lord Mayor himself,
and as such, not liable
to the objection which
has been taken to it.

5. Further, the preparation
of copies as proposed,
will ~~also~~ entail con-
siderable needless
expense and waste
of time

J

draft for appeal

I have &c

Chief Secretary

14/7

J

14 7 3

Recd: 14/7
Retd 15/7

(11/a) (4/a)

"The Sessions Judge should send to the Divisional Commissioner any records of a criminal trial that he may require to satisfy himself whether Government should be moved to direct an appeal against an original or appellate judgment of acquittal."

Calcutta High Court Circular 1, January 12, 1887 Wilkins 127-

Sur : l'expression
du connecteur
"et même sujet".

(General Serial No. 29.)

4336

1893. 9666

Court's From 7-88 10

To

The Registrar of the Chief Court, Mysore

(13)

~~Chief~~ The Secretary to the Dewan of Mysore.

Dated 26th Sept/93

Despatched 27th

Received

Enclosures No.

General No. 1373 / No. 61 } 188 —8

Makes certain observation in regard to furnishing original records to the Government Advocate on suggestions —

J. Reg. Mysore 27/9

Submitted for orders.

J. H. G. Dewan Mysore 29/9

Atty 29/9

No. 1373/61

(13) ~~(4)~~

Bangalore 26th September 1893.

From

The Registrar of the
Chief Court of Mysore

To,

The Chief Secretary
to the Dewan of Mysore,

Sir,

I am directed to acknowledge the receipt of your Nos 879 and 4588, dated J.58 J.488
14th July last and 11th instant, respectively, and to state in regard to the enquiry made as to the practice in Madras of furnishing original records to the Government Advocate, that the District Magistrate of Bangalore, who was a Sub Divisional Officer and Joint Magistrate in that Presidency, has informed this Court, that it is not the practice there to send the original records to Government Pleader.

2. The practice in Bombay seems to be

be similar, as will be seen from the para, reported in page 2 69, Cohins' Procedure Code, annexed in the margin.

3 There being no material difference, in the opinion of the judges, between our System of administration and the administration of the neighbouring Presidencies, I am directed to state that they think that the rule which is in force in Bombay may be followed in the Province.

4. If the Government deems that it is likely to cause needless delay and expense, and that the rule may be modified, I am to state that the judges have no objection at all to modify the rule, so as to allow

× In exceptional Cases Government to be allowed access to original documents.

"When Government desires to make "an appeal under section 417, it is ordi- "narily sufficient that the Public Pro- "secutor or other officer appointed by "Government should have an opportunity "of taking copies of the record. But in "exceptional cases, in which Government "may consider it essential to see any "original documents, such documents "may be given into the possession of "the officer appointed by Government "to receive them, under such pre- "cautions for securing them safekeep- "ing and return as the Court may "deem necessary - Bombay High Court "Criminal Circular Page 64"

allow the Government Advocate, or any responsible legal adviser of Government, to have access to original records in all those cases in which the Government deems it advisable to have the original records before it.

5. The Judges are aware that the Government may wish to peruse the records of cases for a variety of purposes, and that it may send for them at any time. If the Government Advocate, acting on behalf of Government, certifies that the perusal of the original record in any case is necessary and makes a requisition for it, Judges will be instructed to comply with it. I am to add that this limitation seems desirable in order that the record may not be sent for, for any other purpose. You are well aware that the Government Advocate may have to make an application or a motion on behalf of an inferior court, or of any Department of Government. In such cases, or in fact in any case, when he does not act under the immediate

Orders

orders of Government, it does not seem necessary or proper, to permit him to send for records.

6. With reference to the Circular of the Calcutta High Court referred to in para 3 of your letter, I am directed to make the following observations — There seems to be considerable difference between the position and rank of a Commissioner of a Division, and a Deputy Commissioner. A Deputy Commissioner and a District Magistrate, is the head of a Court which is inferior to a Sessions Court, and it is not seemly that an inferior judge should, as a matter of course, call for the record of a case decided by a Superior Judge. The directions contained in the Code of Criminal Procedure, as to the power to call for records seem also opposed to such course. If the Government deems it desirable, on ground of convenience, to require District Magistrates to peruse records and submit their opinion to Government in regard to the necessity of further action being taken in particular cases, I am to suggest that District Magistrates may be expressly authorized to act

as

as their Agents, and the Chief Court will be glad to direct Sessions Judges to forward the records to District Magistrates when the latter make a requisition on behalf of Government.

I have the honor to be,
Sir,
Your most obedient Servant,

S Prendergast

Registrar.

Dft

(14) 7

No. 6750 d/ 5th Oct/93

Section Courts 1675/681.
Ac No 20-88
Serial No 11

The Registrar of the
Chief Court of
Mysore

Sir,

With reference
to the Correspondence
Ending with your letter
No. 1373-61 d/ 26th Sept/93,
regarding the ~~[illegible]~~
advisability or otherwise
of transmitting
original records to
the Govt. Advocate, I
am directed to state
that the Govt. agree
with the Judges that
the practice obtain
-ing in the Bombay
Presidency, referred
to in para 2 of your
letter, may be adopted
with the
modifications

modifications and
limitations proposed
in paras 4 and 5 of
your letter. I am to
request that a Rule
of Practice may be
framed accordingly.

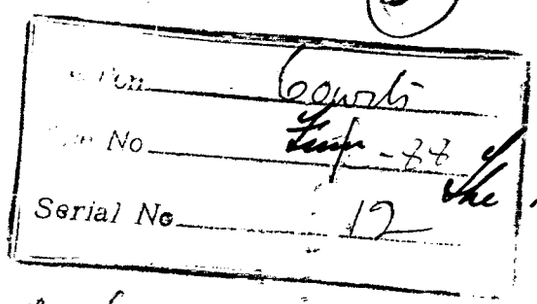
I have &c

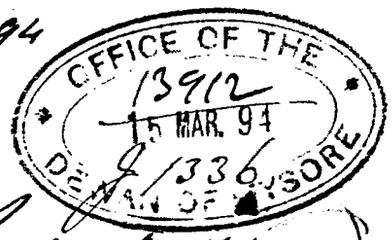
Chief Secy.

/

Recd:
Instd:

1894





(15)

The Registrar of the
Chief Court of Mysore.

L. Orders

Let me see the Bombay
& the Madras Rules
on which these are
stated to be framed.

9/12

To,

The Chief Secretary to the
Dewan of Mysore.

No 4320 dy 13 March/94.
154

Sir,

I am directed, for approval, a draft Rule of Practice regulating the proceedings obtained, when requisitions for persons of criminal cases are made by Government or other Heads of Depts to Courts.

J/16/3
15-3-94

Recd. 16/3 17/3 Orders of Govt. to be submitted. The Rules may be sanctd. I have noted in pencil some verbal alterations which if they commend themselves as worthy of adoption the wording of the Rules may be altered accordingly.

3/19/3 R

No 4320 ane 1
754

Bangalore 13th March 1894.

From

The Registrar of the
Chief Court of Mysore

To,

The Chief Secretary to the
Dewan of Mysore

Sir,

With reference to correspondence ending with your No 6750 J. 6755 dated 5th October 1893, regarding the transmission of original records of criminal cases by courts in compliance with requisitions from or on behalf of Government, I am directed to forward for the approval of Government, a draft Rule of Practice regulating the procedure to be observed in such cases - The Rule if approved, will, I am to add, not only meet cases wherein the Government may wish to have original records before them, but also those in which Heads of Departments may desire to peruse criminal records for purposes connected with their Departments. The rules regarding inspection of records by officers of the Police

Department

Department have been taken from the Madras Rules and may unobjectionably be adopted in Mysore.

I have the honor to be,

Sir,

your most obedient servant,

Registrar

P.C.

In the Chief Court of Mysore 15

Criminal Side

Rule of Practice No. dated 1894.

Under Section 553 of the Code of Criminal Procedure and with the sanction of Government, the Chief Court has framed the following Rules regulating the procedure to be observed, when requisitions for records of Criminal Cases are made by Government or other Heads of Departments and prescribing Rules for inspection of records by Officers of the Police Department.

Whenever Government desires to peruse the record of any Criminal trial, a requisition for it signed by the Chief Secretary or other Officer authorized by Government to make a requisition, will be sent to the Sessions Judge or to the District Magistrate, according as the trial is in the Sessions Court or before a Magistrate. On the receipt of such requisition, the Sessions Judge or the District Magistrate shall duly forward the record in accordance with such requisition.

Except

provided

Except as directed above, no Criminal Court shall send its records to any Court or any Officer or any Department of Government, unless the requisition is made under the authority of any rule or law for the time being in force.

When a prosecution is instituted before a Criminal Court, by any Department of Government, or when an Officer of Government is an accused person, a copy of the final order or judgment shall be sent free of cost to the Head of the Department which instituted the prosecution or to whom the (accused) Officer accused was subordinate.

If the Head of the Department wishes to obtain a copy of the entire record (other than the copy of the final order or judgment furnished free of charge under the preceding para), he shall make an application to the presiding Judge or Magistrate and send any Officer or Clerk of his Department to make copies. The Officer or Clerk deputed for the purpose shall be deemed to be a licensed Copyist and he shall be permitted to make a copy in the precincts of the Court house

and

and under the supervision of the Head Ministerial Officer of the Court.

Whenever it shall appear to any Officer of Police, not below the rank of Inspector of Police, that an inspection of the records of any Crimi = nal trial or appeal will facilitate the detection or prevention of crime or is desired for examination of the conduct of Police Officers connected with the Case, such officer may apply to the Sessions Judge or presiding Magistrate of the Court in which the records are lodged, for permission to inspect the same.

The application referred to in the preceding rule shall be made in writing and shall contain a descrip = tion of the records (and shall state the purpose for which the inspection is sought) and the Sessions Judge or Magistrate, may grant (or refuse the application, as he may see fit. (If the application is refused, the Sessions Judge or Magistrate shall record the reasons for refusal and shall commu. nicate a copy thereof to the Officer of Police concerned.) (If the application is granted,) the Sessions Judge or Magistrate shall) make arrangements for permitting

the

the inspection to be conducted in accord
ance with the next following rule.

Every inspection of records unde
these rules shall be conducted by an
officer of Police not below the rank
of Inspector of Police; it shall take
place within the precincts of the
Court in which the records are lodge
and in the presence of an officer
of the Court who shall be deputed
by the Sessions Judge or Magistrate
for the purpose, and no record or
part of a record shall be removed
by the inspecting officer from the
precincts of the Court.

By order

Registrar

Rule of Practice proposed by the Chief Court in the matter of access to original Records of Criminal Trials - to be allowed to Govt and their Officers.

In the Chief Court of Mysore

Criminal Side

Rule of Practice No dated 1894.

Under section 553 of the Code of Criminal Procedure, and with the sanction of Government the Chief Court has framed the following Rules regulating the procedure to be observed when requisitions for records of Criminal Cases are made by Government, or other Heads of Departments, and prescribing Rules for inspection of records by officers of the Police Department.

Whenever Government desires to peruse the record of any Criminal trial, a requisition for it signed by the Chief Secretary or other officer authorized by Government to make a requisition will be sent to the Sessions Judge, or to the District Magistrate, according as the trial

is

is in the Sessions Court or before a Magistrate. On the receipt of such a requisition, the Sessions Judge, or the District Magistrate, shall duly forward the record in accordance with such requisition

Except as directed above, no Criminal Court shall send its records to any Court, or any officer, or any Department of Government, unless the requisition is made under the authority of any rule or law for the time being in force.

When a prosecution is instituted, before a Criminal Court, by any Department of Government, or when an officer of Government is an accused person, a copy of the final Order or Judgment shall be sent free of cost to the Head of the Department which instituted the prosecution, or to whom the accused

officer

Officer was subordinate.

If the Head of the De-
partment wishes to obtain
a copy of the entire record
other than the copy of the
final order or Judgment
furnished free of charge
under the preceding para,
he shall make an applica-
tion to the presiding Judge
or Magistrate, and send any
Officer or Clerk of his Depart-
ment to make Copies. The
Officer or Clerk deputed for
the purpose shall be deemed
to be a licensed Copyist,
and he shall be permitted
to make a Copy in the
precincts of the Court house,
and under the supervision
of the Head Ministerial Offi-
of the Court.

Whenever it shall ap-
pear to any Officer of Police
not below the rank of
Inspector of Police, that
an inspection of the records

of

of any criminal trial or appeal will facilitate the detection or prevention of crime, or is desired for examination of the conduct of Police Officers connected with the case, such officer may apply to the Sessions Judge or presiding Magistrate of the Court in which the records are lodged for permission to inspect the same

The application referred to in the preceding rule, shall be made in writing, and shall contain a description of the records, and shall state the purpose for which the inspection is sought, and the Sessions Judge or Magistrate, may grant or refuse the application as he may see fit. If the application is refused, the Sessions Judge or Magistrate, shall record the

reasons

reasons for refusal, and shall communicate a copy thereof to the Officer of Police concerned. If the application is granted, the Sessions Judge or Magistrate, shall make arrangements for permitting the inspection to be conducted in accordance with the next following rule.

Every inspection of records under these rules shall be conducted by an officer of Police not below the rank of Inspector of Police; it shall take place within the precincts of the court in which the records are lodged, and in the presence of an officer of the Court who shall be deputed by the Sessions Judge or Magistrate for the purpose, and no record or part of a record, shall be removed by the inspecting officer

from

from the precincts of the Court

By order

Register

46

Bombay

Access to original Copy of the Bombay High Court nal Records.

— " —

Criml. Circular

— " —

In Exceptional cases, Government to be allowed access to original documents. — . —

" When Government desires to make an appeal under Sec: 417. it is ordinarily sufficient that the Public Prosecutor or other Officer appointed by Government should have an opportunity of taking Copies of the Records. But in Exceptional cases, in which Government may consider it Essential to see any original documents, such documents may be given into the possession of the Officer appointed by Government to receive them under such precautions for securing their safe keeping and return as the Court may deem necessary.

— " —

No. 3586.

CIRCULAR.

Under the authority conferred by section 553 of the Code of Criminal Procedure, the High Court, with the sanction of His Excellency the Governor in Council, has made the following rules for the inspection of the records of Criminal Courts by officers of Police:—

1. Whenever it shall appear to any officer of Police, not below the rank of Inspector of Police, that an inspection of the records of any criminal trial or appeal will facilitate the detection or prevention of crime or is desired for examination of the conduct of Police officers connected with the case, such officer may apply to the Sessions Judge or presiding Magistrate of the Court in which the records are lodged for permission to inspect the same.

2. The application referred to in the preceding rule shall be made in writing and shall contain a description of the records and shall state the purpose for which the inspection is sought, and the Sessions Judge or Magistrate may grant or refuse the application as he may see fit. If the application is refused, the Sessions Judge or Magistrate shall record the reasons for refusal and shall communicate a copy thereof to the officer of Police concerned. If the application is granted, the Sessions Judge or Magistrate shall make arrangements for permitting the inspection to be conducted in accordance with the next following rule.

3. Every inspection of records under these rules shall be conducted by an officer of Police not below the rank of Inspector of Police; it shall take place within the precincts of the Court in which the records are lodged and in the presence of an officer of the Court who shall be deputed by the Sessions Judge or Magistrate for the purpose, and no record or part of a record shall be removed by the inspecting officer from the precincts of the Court.

HIGH COURT OF JUDICATURE,
APPELLATE SIDE,
MADRAS, 20*th December* 1893.

H. W. FOSTER,
Registrar.

To

The Sessions Judge of
„ District Magistrate of
„ Chief Secretary to Government, Fort St. George, with 3 spare copies.
„ Secretary to the Board of Revenue.
„ Chief Presidency Magistrate, Egmore, Madras.
„ Senior Presidency Magistrate, Black Town, Madras.
„ Registrar, Chief Court of Mysore, Bangalore.
„ First Judge, High Court, Travancore.
„ Registrar, High Court, Hyderabad, Deccan.
„ Judicial Commissioner, Central Provinces, Nagpur.
„ Superintendent, Fort St. George Gazette Press, for publication.

Exd.—T. M. Venkatarajam.

Court No 9707
No 2-88
Serial No 13
J548

The Registrar
of the Civil Court

Sir

Adverting to your letter No: 4320/154 of the 13th March last submitting for approval of Government draft of a Rule of Practice proposed to be issued in respect of calling for & inspecting records of Criminal trials I am directed to request you to furnish the Govt with a copy of the Bombay & the Madras Rules on which the rules now forwarded have been framed.

I have etc

12/12/47

For Chief Secy

11/12

(General Serial No. 30). 8193.

1894. J806

Section From/Courts
No 4-88
Serial No 14.

The Registrar to the
Inspector General of
Prisons in Mysore.

To

The Chief Secretary
to the Dewan of Mysore.

Dated 20

Despatched 21 December 1894.

Received

Enclosures No. /

General No. 3279
J. 132

States with reference to the Secretary's letter No 9707 J.548 dt 12-12-94 that the Bombay Rule on which the Draft Rule of Practice is based, is quoted in extenso in para 2 of this office letter No 1373/61 dt 26 April 93

pd 22/12

J 21/12

Chief Secretary
Reference
dt 22/12.

Central Jail Press, Bangalore.—26-4-94.—500.

(12)

No 3279 / 132 encl 1.

Bangalore 20th December 1894.

(20)

From

The Registrar of the
Chief Court of Mysore,

To

The Chief Secretary to the
Dewan of Mysore.

Sir,

With reference to your letter No. 9707 / J. 548 dated 12th December 1894, I am directed to state that the Bombay Rule on which the draft Rule of Practice is based, is quoted in extenso, in para 2 of this office letter No. 1373 / 61 dated 26th September 1893, from Sahoni's Criminal Procedure Code, page 269.

2. A copy of the Madras Rule is herewith forwarded, to be obligingly returned.

I have the honor to be,
Sir,
Your most obedient Servant,
K Nagattara Iyer
Dy: Registrar
D. D. as Registrar

46

(21)

S. Courts
No. Read. - 22
Serial No. 15
Letter No 4320/154 dated 13th March 1894, from the Registrar of the Chief Court of Mysore, submitting for the approval of Govt a draft Rules of Practice regulating the Procedure to be observed in the case of transmitting original records of Criminal Cases by Courts in compliance with requisitions from or on behalf of Govt.

---

order thereon. No 13831/801

The Govt approve of the proposed draft rule of Practice received with the letter above read.

WM
5-3-95

Chief Secretary

To, The Chief Judge in Mysore.